

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SCOTT KIMBLE, individually, and on  
behalf of others similarly situated,

No. 23 Civ. 06399 (FPG)

Plaintiffs,

**PLAINTIFF'S NOTICE OF  
MOTION TO TRANSFER  
VENUE**

-against-

OPTEON APPRAISAL, INC.

Defendant.

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**PLEASE TAKE NOTICE**, that upon the attached Declarations of Plaintiff Scott Kimble and Bruce E. Menken, Esq., the attached Memorandum of Law and all prior pleadings and proceedings in this action, Plaintiff Scott Kimble will move before the Hon. Mark W. Pedersen, United States Senior Magistrate Judge, in the Western District of New York, 100 State Street, Rochester, New York 14614, on March 14, 2024 at 9:30 AM, or on a date and time so ordered by this court, for an Order transferring this action to the United States District Court for the Northern District of Illinois: Eastern Division.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to the February 5, 2024 Text Order of this court and unless a subsequent order is entered by this court, the Defendant shall have twenty-one (21) days after service of this motion to file and serve responding papers and the Plaintiff shall have fourteen (14) days after service of the responding papers to file and serve reply papers.

Respectfully Submitted,

Dated: New York, New York

February 7, 2024

MENKEN SIMPSON & ROZGER LLP

*s/ Bruce E. Menken*

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*s/ Bryan Schwartz*

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ATTORNEYS FOR PLAINTIFF AND PROPOSED CLASS